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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/766,472

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EXAMINER

TELXEIRA MOFFAT, JONATHAN CHARLES

ART UNIT

PAPER NUMBER

2863

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/766,472

Applicant(s)

YOSHINAGA ET AL.

Examiner

JONATHAN TEIXEIRA MOFFAT

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Response to Amendment

Applicant's amendments to the claims, filed 12/9/2008, are accepted and appreciated by the examiner. Applicant has canceled claim 8 and amended each independent claim such as to alter the scope of the claims. In response all previous rejections of the claims are withdrawn.

Claim Objections

Claims 1 and 3-7 are objected to for being generally narrative and verbose in form while also being overly broad. More specifically, claim 1, for instance, includes 3 elements; an input unit, a storage unit, and a display unit. The input unit "enables" certain inputs while the storage and display units are "configured to" store and display certain data. However, nothing in the claim indicates how these elements (input, storage and display units) are physically different than any generic computer or how the particular type of data claimed requires elements which are physically different from a generic computer. To support this argument, consider a generic personal computer running a spreadsheet program. This generic computer would have inputs, memory, and a display. The spreadsheet program would allow data to be input, stored and displayed. The type of data present in applicant's claims is certainly within the realm of data which could be input into, stored by, and finally displayed by this generic computer and spreadsheet program. The examiner requests that applicant amend the claims such as to specifically claim either a specific apparatus which applicant has invented, or else a specific method of utilizing the specific data applicant has claimed which is unique to applicant's invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1.

Claims 1, 3-5 and 7 are rejected under 35 U.S.C. 102(c) as being anticipated by Saitou (US pat 6381512).

With respect to claim 1, Saitou discloses an apparatus comprising:

1) An input unit (Fig 1 item 1, specification also mentions keyboard etc.) configured to enable input of a change in the operating condition of the injection molding machine and to enable input of qualitative information corresponding to a state of an operating quality of the machine resulting from the change in the operating condition of the machine, said qualitative information indicative of quality of a product produced by the machine as a result of the change in the operating condition (Fig 4 and column 8 lines 25-33 and column 12 lines 47-55).

2) A storage process unit (Fig 1 item 1 and abstract) configured to store data including history data including one or more of product data, mold numbers, resin material data or product molding conditions, the history data further including the inputted data related to the change in operating condition of the machine and the qualitative information corresponding to the state of the operating quality of the machine resulting from the change in operating condition, wherein the storage process unit is configured to record data including data indicative of product

identification data indicating a product produced by the injection molding machine in accordance with the change in the operating condition and the history data corresponding to the product identification data (Fig 4 and related description). *This image shows molding condition data before and after change, date, component number, shot info and "supplemental" subjective quality data.*

3) A display unit (Fig 1 item 1) configured to simultaneously display a first display area and a second display area in the display unit, wherein the first display area is configured to display data that includes the history data and product identification data and the state of the operating quality resulting from the change in the inputted operating condition stored by the storage process unit and the second display area is configured to display data that includes monitoring data representing the operating condition for the injection molding machine (Fig 4 and related description). *This image shows molding condition data before and after change, date, component number, shot info and "supplemental" subjective quality data.*

With respect to claim 3, Saitou discloses that the history data and the product identification data are used for assisted software for assisting an operating condition setting operation (column 1 lines 12-41). *If this were not the case, the data would not be useful for improving and/or controlling molding operations.*

With respect to claim 4, Saitou discloses an apparatus comprising:

1) A communication unit configured to communicate with a display device of an injection molding machine operated in accordance with an operating condition through a communication medium (Fig 1, the computer is shown to communicated with a user and with molding machines), the display device including an input unit (Fig 1 item 1) configured to enable

input of a change in the operating condition of the injection molding machine and to enable input of qualitative information corresponding to a state of an operating quality of the machine resulting from the change in the operating condition of the machine, said qualitative information indicative of quality of a product produced by the machine as a result of the change in the operating condition (Fig 4 and related description).

2) A unit configured to receive data (Fig 1 item 1) including history data including one or more of product data, mold numbers, resin material data or product molding conditions, the history data further including the inputted data related to the change in operating condition of the machine and the qualitative information corresponding to the state of the operating quality of the machine resulting from the change in operating condition from the display device using the communication unit (Fig 4 and related description).

3) A storage unit configured to store the history data, wherein the storage unit records data indicative of a product identification data indicating a product produced by the injection molding machine in accordance with the change in the operating condition and the history data corresponding to the product identification data (Fig 1 item 1 and Fig 4).

4) Wherein the display unit is configured to display data including the history data and the state of the operating quality resulting from the change in the operating condition. wherein the display device is configured to simultaneously display a first display area and a second display area in the display device, wherein the first display area is configured to display data that includes the history data and product identification data and the state of the operating quality resulting from the change in the inputted operating condition stored by the storage unit and the second display area is configured to display data that includes monitoring data representing the

operating condition for the injection molding machine (Fig 4). *In support of this rejection, the examiner notes that applicant's figure 2, which is the only figure to show a relationship between the molding machine and applicant's invention, shows only two components; molding machine and an input/storage/display unit.*

With respect to claim 5, Saitou discloses an apparatus comprising:

1) An input unit, coupled to the display device, configured to receive an input from a user and from the injection molding machine (Fig 1 item 1), the input including qualitative information corresponding to a state of an operating quality of the machine resulting from the change in the operating condition of the machine, said qualitative information indicative of quality of a product produced by the machine as a result of the change in the operating condition (Fig 4 and related description as described above).

2) A screen controller including a storage process unit, the screen controller configured to receive a display request from the input unit and configured to create a first display image on a first display area of the display device based on data stored in a first storage module and to create a second display image on a second display area of the display device based on data stored in a second storage module (Fig 4). *The claim does not limit "storage module" to any particular physical structure or type of data storage algorithm. The broadest reasonable interpretation thus would include a physical memory component, data segment, segment of memory, memory location, etc. as the term "module" applies equally to hardware and software.*

3) The storage process unit configured to receive and store data including one or more of changed molding conditions of the injection molding machine, molding qualities corresponding to the changed molding conditions, and product identification data indicative of a product

molded by the injection molding machine in accordance with the changed molding conditions and history data including one or more of product data, mold numbers, resin material data, to the second storage module, the history data further including the qualitative information corresponding to the state of the operating quality of the machine resulting from the change in operating condition, the display device configured to simultaneously display the first and the second display image in the first and the second display areas, wherein the first display area is configured to allow the user to control and operate the injection molding machine by the input unit (Fig 4).

With respect to claim 7, Saitou discloses that the first and second storage modules are configured to be in the same storage module (Fig 1 item 1). *As in claim 5 above, multiple types of data are stored in different memory structures, "modules" in a physical storage component, also a "module".*

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saitou as applied to claim 5 above, and further in view of Riedel (US pat 5870698).

Independent claim 5 is addressed in the above anticipation rejection over Saitou.

With respect to claim 6, Saitou fails to disclose that the display device further includes a communication module configured to communicate through a communications medium to a

remote communication terminal, the remote communication terminal including a collection unit, a collection storage unit, and a display unit; the collection unit configured to initiate communication with the display device and transfer the data stored in the storage module and store the transferred data into the collection storage unit, the display unit configured to display the data stored in the collection storage unit.

Riedel teaches, with respect to claim 6, that the display device further includes a communication module configured to communicate through a communications medium to a remote communication terminal, the remote communication terminal including a collection unit, a collection storage unit, and a display unit; the collection unit configured to initiate communication with the display device and transfer the data stored in the storage module and store the transferred data into the collection storage unit, the display unit configured to display the data stored in the collection storage unit (Fig 3 items 208 or "RS485 Network").

One of ordinary skill in the art would have found it obvious at the time of applicant's invention to modify the apparatus of Saitou by including a network connection to an external device as taught by Riedel. Both Riedel and Saitou concern monitoring injection molding. One of ordinary skill in the art is well aware of the trend toward networking and remote monitoring and control. This is done to allow access to information by remote personnel and to allow supervision of multiple sites as well as an additional level of oversight.

Response to Arguments

Applicant's arguments with respect to claims 1, 4 and 5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN TEIXEIRA MOFFAT whose telephone number is (571)272-2255. The examiner can normally be reached on Mon-Fri, from 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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1/29/2009

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